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May 31, 2022

Hon. Sarah Netburn
United States Magistrate Judge
United States District Court for the Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square, Courtroom 219
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, No. 03-md-1570 (GBD) (SN)
Federal Insurance Co. v. The Taliban, No. 03-cv-6978 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of and with the consent of Proposed Intervenors James Owens, *et al.* (“Proposed Intervenors”) to request that Proposed Intervenors be permitted to file a single, consolidated brief addressing the *Federal Insurance* creditors’ Response to the Limited Motion to Intervene of James Owens, *et al.*, and Cross-Motion to Vacate the *Owens Ex Parte* Provisional Prejudgment Attachment (Dkt. 8056), on June 10, 2022. The *Federal Insurance* creditors have stated that they have no objection to the requested extension.

Proposed Intervenors are victims of the 1998 United States embassy bombings in Nairobi, Kenya and Dar es Salaam, Tanzania who have sued the Taliban for its role in perpetrating the bombings, which were committed by al-Qaeda. *See Owens v. Taliban*, No. 22-cv-1949-VEC (S.D.N.Y.). In that action, Proposed Intervenors have secured an attachment and levy of \$1,373,761,042.95 in funds held in the name of Da Afghanistan Bank (“DAB”) at the Federal Reserve Bank of New York. On May 13, 2022, Proposed Intervenors filed in this multidistrict litigation (“MDL”) their Limited Motion to Intervene. *See* Dkt. 8018. Along with their Limited Motion to Intervene, Proposed Intervenors contemporaneously filed a Proposed Memorandum of Law in Opposition to the *Federal Insurance* Creditors’ Motion for Partial Turnover of Assets from Garnishee Federal Reserve Bank of New York. *See* Dkt. 8020-1.

On May 27, 2022, the *Federal Insurance* creditors, joined by the *Burnett, O’Neill, Havlish, Hoglan, Grazioso, Ray, and Ryan* plaintiffs, filed a combined Response to the Limited Motion to Intervene of James Owens, *et al.*, and Cross-Motion to Vacate the *Owens Ex Parte* Provisional Prejudgment Attachment. *See* Dkt. 8056. Under the applicable rules, Proposed Intervenors’ reply in support of their Limited Motion to Intervene—limited to 10 pages—is currently due June 3, 2022, and Proposed Intervenors’ opposition to the *Federal Insurance*

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creditors' Cross-Motion to Vacate—limited to 25 pages—is due June 10, 2022. See Local Civ. R. 6.1(b); Judge Netburn's Individual Practices in Civil Cases, III.B.

For the sake of efficiency and judicial economy, Proposed Intervenors request that the deadline to file their reply in support of their Limited Motion to Intervene be extended by one week to June 10, 2022, the same day that their opposition to the *Federal Insurance* creditors' Cross-Motion to Vacate is due. This will allow Proposed Intervenors to file a single, combined reply and opposition brief on that date. Although the *Federal Insurance* creditors' combined brief does not directly oppose Proposed Intervenors' intervention in this MDL, the *Federal Insurance* creditors make arguments concerning the scope of Proposed Intervenors' intervention that are closely tied to their motion to vacate Judge Caproni's order of prejudgment attachment in *Owens v. Taliban*, No. 22-cv-1949-VEC (S.D.N.Y.). It will be most efficient to respond to all of these arguments in one combined brief (of 25 pages), instead of in two separate briefs (totaling up to 35 pages) filed one week apart. Proposed Intervenors have not previously requested an extension of time to file their reply.

Accordingly, Proposed Intervenors request (1) an extension of time to June 10, 2022 to file a reply in support of their Limited Motion to Intervene; and (2) that they be permitted to file, on June 10, 2022, a combined reply in support of their Limited Motion to Intervene and opposition to the *Federal Insurance* creditors' Cross-Motion to Vacate the *Owens Ex Parte* Provisional Prejudgment Attachment, limited to 25 pages.

Respectfully submitted,

/s/ Matthew D. McGill

Matthew D. McGill

cc: All MDL Counsel of Record (via ECF)